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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,613	12/13/2000	Rayvon E. Reynolds	DRY 303	8018

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EXAMINER

MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,613

Applicant(s)

REYNOLDS, RAYVON E.

Examiner

Brian P Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17, 21, 24-28, 30-32, 34, 36, 40, 41, 49, 52, 53, 55, 63, 65-76 and 78-109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-14,17,21,24-28,30-32,34,36,40,41,49,52,53,55,63,65-76 and 78-109.

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed February 6, 2004. Applicant has amended claims 1-4, 8-11, 24-27, 30-31, 34, 40-41, 49, 55, 63, 65, 68-69, 72 and 76. Claims 15-16, 18-20, 22-23, 29, 33, 35, 37-39, 42-48, 50-51, 54, 56-62, 64 and 77 have been cancelled. New claims 78-109 have been added. Currently, claims 1-14, 17, 21, 24-28, 30-32, 34, 36, 40-41, 49, 52-53, 55, 63, 65-76 and 78-109 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 9.
3. The rejection of claims 8-11 and 24-27 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.
4. The rejection of claims 1-14, 17, 21, 24-28, 30-32, 34, 36, 40-41, 49, 52-53, 55, 63, and 65-68 under 35 U.S.C. 102(b) as being anticipated by Smith et al, U.S. Patent No. 5,658,651, is maintained for the reasons of record.
5. The rejection of claims 69-76 under 35 U.S.C. 102(b) as being anticipated by Smith et al, U.S. Patent No. 5,658,651, is withdrawn in view of applicant's amendments and remarks.

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6. The rejection of claims 63, 65 and 66 under 35 U.S.C. 102(b) as being anticipated by Hellsten, U.S. Patent No. 4,659,332, is withdrawn in view of applicant's amendments and remarks.

7. The rejection of claims 63, 65 and 66 under 35 U.S.C. 102(b) as being anticipated by Romack et al, U.S. Patent No. 5,858,022, is withdrawn in view of applicant's amendments and remarks.

8. The rejection of claims 1-68 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 5,965,504 is withdrawn in view of applicant's timely filed terminal disclaimer.

9. The rejection of claims 1-77 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of U.S. Patent No. 6,190,420 is withdrawn in view of applicant's timely filed terminal disclaimer.

NEW GROUNDS OF REJECTION

Specification

10. The amendment filed February 6, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added

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material which is not supported by the original disclosure is as follows: The instant specification does not provide support for the limitations "does not include carbon dioxide" and "dry garment" recited in instant claims 65, 69 and 95.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 65, 69-76, and 91-99 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the instant specification does not provide support for the limitations "does not include carbon dioxide" and "dry garment" recited in instant claims 65, 69 and 95. Instant claims 70-76, 91-94 and 96-99 are included in this rejection for being dependent upon a claim with the above addressed new matter problem.

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 2-3 and 78-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. The phrase "is at least substantially comprised of" recited in instant claims 2-3 renders the claim vague and indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the term "is at least substantially comprised of". Furthermore, the specification does not contain guidelines describing what numerical values are encompassed by the phrase "is at least substantially comprised of". Appropriate correction and/or clarification is required.

16. Instant claims 78-81 are rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a claim with the above addressed 112 problem.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 78-90 and 100-109 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al, U.S. Patent No. 5,658,651, for the reasons of record found in the last Office action, Paper No. 9, Paragraph No. 7.

Response to Arguments

19. Applicant's arguments filed February 6, 2004 have been fully considered but they are not persuasive.

Applicant argues that Smith et al, U.S. Patent No. 5,658,651, discloses a fabric softening composition and not a dry cleaning composition. However, the examiner respectfully asserts that the phrase "dry cleaning article" and "dry cleaning composition" appear in the preamble, and thus are not accorded any patentable weight, since these limitations do not breathe life and meaning into the claim. **See MPEP 2111.02.**

Applicant further argues that the newly added limitation "as the garments are tumbled with heated air in a drying machine" in claim 1 distinguishes the instant invention from Smith et al. However, the examiner respectfully disagrees. Specifically, Smith et al discloses that their fabric treatment sheet is used in a dryer (see col. 43, lines 18-27), as required in the instant claims. Furthermore, the examiner asserts that the phrase "as the garments are tumbled with heated air in a drying machine" is an intended use limitation that is not accorded any patentable weight. Applicant further argues that Smith et al requires glycol ethers as their majority component, rather than the specific solvents presently recited in claim 1. However, the examiner respectfully asserts that the teaching by Smith et al that the glycol ethers are the majority component of the

solvent is a preferred embodiment (see col. 9, lines 31-32 of Smith et al). Therefore, the examiner maintains that Smith et al teaches, with sufficient specificity, compositions that contain a majority of solvents including paraffins, per the requirements of the instant claims. Applicant further argues that Smith et al limits the co-solvents to less than 37.5%, whereas the instant claims require the solvent to make up the majority of the composition (i.e. greater than 50%). However, the examiner respectfully asserts that the instant claims require that the "organic solvent forms the greatest individual percentage by weight of the active components" (see claim 1 of the instant invention), which means that the organic solvent has to have the greatest individual weight percent of the composition, which does not necessarily mean that it must be present in an amount greater than 50%, as argued by applicant.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Bm

Brian Mruk
May 7, 2004

Brian P. Mruk

Brian P. Mruk
Primary Examiner
Tech Center 1700